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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13  
14 v.  
15

16 LANE KELLY WHITTENBERG,  
17 Defendant.  
18  
19

Case No: 1:20-CR-00207-NONE-SKO

**STIPULATION BETWEEN THE UNITED  
STATES AND DEFENDANT REGARDING  
PRODUCTION OF PROTECTED  
INFORMATION; PROTECTIVE ORDER RE:  
SAME**

20 WHEREAS, This Court may enter protective orders pursuant to Fed. R. Crim. P. 16(d), 18  
21 U.S.C. § 3771(a), and its general supervisory authority.

22 WHEREAS, the discovery in this case contains private personal information regarding third  
23 parties, including but not limited to their names, physical descriptions, telephone numbers, place of  
24 employment, and/or residential addresses (“Protected Information”); and

25 WHEREAS, the parties desire to avoid the unauthorized disclosure or dissemination of this  
26 information to anyone not a party to the court proceedings in this matter;

27 The parties agree that entry of a stipulated protective order is therefore appropriate.  
28

1        THEREFORE, defendant LANE KELLY WHITTENBERG, by and through his counsel of  
2 record, Assistant Federal Defender Christina M. Corcoran (“Defense Counsel”), and the United States of  
3 America, by and through Assistant United States Attorney Antonio J. Pataca, hereby agree and stipulate  
4 as follows:

5            1.        This Court may enter a protective order pursuant to Rule 16(d) of the Federal Rules of  
6 Criminal Procedure, and its general supervisory authority.

7            2.        This Order pertains to all discovery provided to or made available to Defense Counsel as  
8 part of discovery in this case (hereafter, collectively known as “the discovery”).

9            3.        By signing this Stipulation and Protective Order, Defense Counsel agrees not to share any  
10 documents, videos, audio files or other information that contain Protected Information with anyone other  
11 than Defense Counsel’s attorneys, designated defense investigators, designated defense experts, and  
12 support staff. Defense Counsel may permit the defendant to view unredacted documents, videos, audio  
13 files or other information in the presence of his attorneys, defense investigators, and/or support staff. The  
14 parties agree that Defense Counsel, defense investigators, and support staff shall not allow the defendant  
15 to copy Protected Information contained in the discovery. The parties agree that Defense Counsel, defense  
16 investigators, and support staff may provide the defendant with copies of documents or other information,  
17 if any, from which Protected Information has first been redacted.

18            4.        The discovery and information therein may be used only in connection with the litigation  
19 of this case and for no other purpose. The discovery is now and will forever remain the property of the  
20 United States of America (“Government”). Defense Counsel will return the discovery to the Government  
21 or alternatively keep it archived within its sole possession at the conclusion of the case.

22            5.        Defense Counsel will store the discovery in a secure place and will use reasonable care to  
23 ensure that it is not disclosed to third persons in violation of this agreement.

24            6.        Defense Counsel shall be responsible for advising the Defendant, employees, and other  
25 members of the defense team, and defense witnesses of the contents of this Stipulation and Order.

26            7.        In the event that Defendant substitutes counsel, undersigned Defense Counsel agrees to  
27 return the discovery to the government, or, at the request of government counsel, to forward it to new  
28

1 counsel after new counsel has confirmed to government counsel in writing his or her agreement to the  
2 terms of this Order.

3 8. Nothing in this Order shall preclude a party from seeking a more restrictive protective order  
4 or other court order with regard to particular discovery items.

5  
6 IT IS SO STIPULATED.

7 Dated: December 21, 2020

8 By: /s/ Christina M. Corcoran  
CHRSTINA M. CORCORAN  
Attorney for Defendant  
Lane Kelly Whittenberg

9  
10 Dated: December 21, 2020

11 McGREGOR W. SCOTT  
United States Attorney

12 By: /s/ Antonio J. Pataca  
13 ANTONIO J. PATACA  
Assistant U.S. Attorney

14  
15 IT IS SO ORDERED.

16  
17 Dated: December 21, 2020

18 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE